

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS (EASTERN DIVISION)**

IN RE:

Margarita Bustamante

Debtor(s)

Case No.: 19-22907
Chapter: 13
Hearing Date: 11/20/2020

Judge Janet S. Baer

NOTICE OF MOTION

TO: Glenn B Stearns, Chapter 13 Trustee, 801 Warrenville Road Suite 650, Lisle, IL 60532 by electronic notice through ECF
Margarita Bustamante, Debtor(s), 1970 Heather Drive, Aurora, IL 60506
Jose T Bustamante, Co-Debtor, 1970 Heather Drive, Aurora, IL 60506
David M Siegel, Attorney for Debtor(s), 790 Chaddick Drive, Wheeling, IL 60090 by electronic notice through ECF

PLEASE TAKE NOTICE that on 11/20/2020, at 9:30AM, I will appear before the Honorable Judge Janet S. Baer, or any judge sitting in that judge's place, and present the motion of Codilis & Associates, P.C. for GSMPS MORTGAGE LOAN TRUST 2006-RP1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-RP1, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government.

No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 160 731 2971 and the password is 587656. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the parties listed above, as to the Trustee and Debtor's attorney via electronic notice on November 6, 2020 and as to the debtor and co-debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on November 6, 2020.

/s/ Peter C. Bastianen
Attorney for Movant

Berton J. Maley ARDC#6209399
Rachael A. Stokas ARDC#6276349
Peter C. Bastianen ARDC#6244346
Joel P. Fonferko ARDC#6276490
Brenda Ann Likavec ARDC#6330036
Terri M. Long ARDC#6196966
Codilis & Associates, P.C.
15W030 North Frontage Road, Suite 100
Burr Ridge, IL 60527
(630) 794-5300
14-18-12053
NOTE: This law firm is a debt collector.

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the parties listed below, as to the Trustee and Debtor's attorney via electronic notice on November 6, 2020 and as to the debtor and co-debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on November 6, 2020.

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/s/ Peter C. Bastianen
Attorney for Movant

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MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY

NOW COMES GSMPS MORTGAGE LOAN TRUST 2006-RP1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-RP1, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, (hereinafter "Movant"), by and through its attorneys, Codilis & Associates, P.C., and moves this Honorable Court pursuant to 11 U.S.C. §362(d) and §1301(c) for an Order granting Movant relief from the automatic stay and co-debtor stay, and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. §1334 and Internal Operating Procedure 15(a) of the United States District Court for the Northern District of Illinois, Eastern Division;
2. The Debtor is indebted to Movant for which the Movant claims a valid security interest in the property commonly known as 1970 Heather Drive, Aurora, IL 60506;
3. Enforcement of this security interest has been stayed automatically by operation of 11 U.S.C. §362 of the Bankruptcy Code upon Debtor filing of this petition on 8/14/2019;
4. The Chapter 13 plan herein provides for the cure of the default of said mortgage and maintenance of current payments during the pendency of the proceeding;

5. Pursuant to the plan, Debtor(s) is/are to disburse the current monthly mortgage payments directly to Movant beginning with the first payment due after the filing of the Chapter 13 Bankruptcy (subject to periodic adjustment due to change in escrow);

6. Movant is entitled to relief from the automatic stay under 11 U.S.C. Section 362(d) for the following reasons:

- a) As of 11/02/2020, the Debtor(s) is/are past due for the 9/1/2020 payment, and all amounts coming due since that date. Any payments received after this date may not be reflected in this default;
- b) As of 11/02/2020, the total post-petition default through and including 11/1/2020, is \$4,823.87, which includes a suspense credit of \$47.15. Any payments received after this date may not be reflected in this default. This amount includes post-petition attorney fees in the amount of \$1,031.00;
- c) On 12/01/2020, the default will increase to \$6,100.49 and will continue to increase as additional amounts become due;

7. Said failure to make post-petition mortgage payments is sufficient grounds for relief from the automatic stay for cause pursuant to 11 U.S.C. Section 362(d)(1);

8. This Court has authority to order that Rule 4001(a)(3) is not applicable to the order entered in granting this motion, and Movant requests this Court so order;

9. Movant has incurred attorney fees and/or costs in connection with this bankruptcy proceeding:

\$850.00 for Preparation of Notice and Motion for Relief from the Automatic Stay, and prosecution of same
\$181.00 for Court filing fee

10. That the subject note and mortgage are co-signed by Jose T. Bustamante and that to the extent that the co-debtor stay of 11 U.S.C. §1301 applies to real estate loans, it applies to Jose T. Bustamante and grounds exist for relief therefrom under 11 U.S.C. §1301(c)(1) as the co-debtor received an ownership interest in the house and under 11 U.S.C. §1301(c)(3) if the automatic stay is modified therein;

WHEREFORE, GSMPS MORTGAGE LOAN TRUST 2006-RP1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-RP1, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE prays this Court enter an Order pursuant to 11 U.S.C. Section 362(d) and Section 1301(c) modifying the automatic stay and co-debtor stay as to Movant, and for such other and further relief as this Court may deem just and proper.

Dated this November 6, 2020.

Respectfully Submitted,

Codilis & Associates, P.C.

By: /s/ Peter C. Bastianen

Berton J. Maley ARDC#6209399
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